

ORDINANCE #65640
Board Bill No. 3CS

An ordinance designating the 2nd Ward as a Housing Conservation District under the provisions of Chapter 25.56 of the Revised Code of the City of St. Louis as such Ward is described in Ordinance 62476; containing a mix of single-family and multi-family residential, commercial and industrial sites and containing an effective date.

WHEREAS, the proposed Housing Conservation District meets the minimum requirement of Ordinance 62887 that a Housing Conservation District shall contain at least five hundred (500) dwelling units in a contiguous area; and

WHEREAS, the Planning and Urban Design Agency has prepared a report entitled "Statement of Feasibility of Establishing a Housing Conservation District for the Entire Second Ward" for consideration by the Alderwoman representing the area within the boundaries of the proposed Housing Conservation District; and

WHEREAS, a public hearing, duly noticed, was held on June 12, 2002, by the Public Safety Committee of the Board of Aldermen; and

WHEREAS, this Board of Aldermen hereby finds that the passage of this ordinance is in the best interest of the City of St. Louis, and that the residential property owners and residential tenants in the proposed Housing Conservation District will benefit from the establishment of a Housing Conservation District and the resulting conservation of housing stock within such District.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. A Housing Conservation district is hereby established for the area of the City of St. Louis as follows:

Beginning at the intersection of the Mississippi River and the centerline of the eastern prolongation of Palm, and proceeding along the centerlines in a generally clockwise direction west to the Mark Twain Expressway, north to Newhouse, west to Twentieth, north to Ferry, west to Strodtman, north to Bissell, east to Blair, west to Grand, east to the Mark Twain Expressway, northwest to West Florissant, northwest to Riverview, north to the railroad tracks, west to Goodfellow, north to Switzer, east to Oxford Lane, north to Goodfellow, northeast to Veronica, east to Northcrest, north to the northern City limits, east and north and east along the City limits to the Mississippi River, and southeast to the point of beginning.

SECTION TWO. This ordinance shall become effective December 1, 2002, after it is approved by the Mayor.

Approved: October 11, 2002

ORDINANCE #65641
Board Bill No. 188

An ordinance approving a Redevelopment Plan for the 6238-48 Sunshine Drive Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated May 28, 2002, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is partly occupied and the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available five (5) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 6238-48 Sunshine Drive Redevelopment Area", dated May 28, 2002, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages,

attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and Planning Commission of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the 6238-48 Sunshine Drive Redevelopment Area ("Area").

SECTION TWO. The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Blighting Study and Plan for the Area, dated May 28, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

SECTION FIVE. The Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire no property in the Area by the exercise of eminent domain.

SECTION NINE. The property within the Area is partly occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

SECTION TEN. The Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. The Redeveloper may seek five (5) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created. In lieu of the five (5) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first five (5) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land,

exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same five (5) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first five (5) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said five (5) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond five (5) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A"

THE 6238-48 SUNSHINE DRIVE AREA LEGAL DESCRIPTION

CB 6352 SUNSHINE DR., 181 ft./196.73 ft./130 ft., St. Louis Hills 4 Add'n., blk. 4 lot 23, 24, 25 & w – 22. (6352-00-00050)

EXHIBIT "B" Form: 4/2/02

BLIGHTING STUDY AND PLAN FOR THE 6238-48 SUNSHINE DRIVE AREA PROJECT #9417 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF THE CITY OF ST. LOUIS MAY 28, 2002

**MAYOR
FRANCIS G. SLAY**

BLIGHTING STUDY AND PLAN FOR THE 6238-48 SUNSHINE DRIVE AREA

PAGE

A.	EXISTING CONDITIONS AND FINDING OF BLIGHT	1
1.	DELINEATION OF BOUNDARIES	1
2.	GENERAL CONDITION OF THE AREA	1
3.	PRESENT LAND USE OF THE AREA	1
4.	PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES	1
5.	CURRENT ZONING	2
6.	FINDING OF BLIGHT	2
B.	PROPOSED DEVELOPMENT AND REGULATIONS	
1.	DEVELOPMENT OBJECTIVES	2
2.	PROPOSED LAND USE OF THE AREA	2

3.	PROPOSED ZONING	2
4.	RELATIONSHIP TO LOCAL OBJECTIVES	2
5.	PROPOSED EMPLOYMENT FOR THIS AREA	3
6.	CIRCULATION	3
7.	BUILDING AND SITE REGULATIONS	3
8.	URBAN DESIGN	3
9.	PARKING REGULATIONS	4
10.	SIGN REGULATIONS	4
11.	BUILDING, CONDITIONAL USE AND SIGN PERMITS	4
12.	PUBLIC IMPROVEMENTS	4
C.	PROPOSED SCHEDULE OF DEVELOPMENT	5
D.	EXECUTION OF PROJECT	5
1.	ADMINISTRATION AND FINANCING	5
2.	PROPERTY ACQUISITION	5
3.	PROPERTY DISPOSITION	5
4.	RELOCATION ASSISTANCE	6
E.	COOPERATION OF THE CITY	6
F.	TAX ABATEMENT	6
G.	COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS	7
1.	LAND USE	7
2.	CONSTRUCTION AND OPERATIONS	7
3.	LAWS AND REGULATIONS	7
4.	ENFORCEMENT	7
H.	MODIFICATIONS OF THIS PLAN	7
I.	DURATION OF REGULATIONS AND CONTROLS	8
J.	EXHIBITS	8
K.	SEVERABILITY	8

EXHIBITS

"A"	LEGAL DESCRIPTION
"B"	PROJECT AREA PLAN
"C"	PROPOSED LAND USE
"D"	ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON- DISCRIMINATION GUIDELINES

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 6238-48 Sunshine Drive Redevelopment Area ("Area") consists of one 12-family residential building on land totalling approximately .70 acre in the St. Louis Hills Neighborhood of the City of St. Louis ("City"). The Area is in the block bounded by Sunshine Drive on the east, Jamieson Avenue on the west, Clifton Avenue on the north and Tennis Drive on the south.

The legal description for the area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises part of City Block 6352 and is in fair condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in

order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.1% unemployment rate for the City as of January, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area. There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the area include one partly occupied 12-family dwelling in fair condition.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are mostly residential. Residential density for the surrounding neighborhoods is approximately 8.72 persons per acre.

5. CURRENT ZONING

The Area is zoned "D" Multiple-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partly occupied and in fair condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the redevelopment of this parcel for new residential use.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential uses permitted in Areas designated "D" Multiple-Family Dwelling by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for any use not allowed in the "D" Multiple-Family Dwelling District. Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "D" Multiple-Family Dwelling District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

No permanent new jobs will be created if the Area is developed in accordance with this Plan.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. **BUILDING AND SITE REGULATIONS**

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

8. **URBAN DESIGN**

a. **Urban Design Objectives**

The property shall be constructed so it is an attractive residential structure within the surrounding neighborhood.

b. **Urban Design Regulations**

Any new construction shall respect surrounding exteriors in terms of design and materials. Window and door shapes and detailing shall be compatible with the design of surrounding buildings.

c. **Landscaping**

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees. Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs. Existing, non-scrub trees shall be retained.

9. **PARKING REGULATIONS**

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Any new construction shall contain parking at the basement level of the structure.

Alternately, when feasible, parking shall be limited to the rear of the property off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity.

10. **SIGN REGULATIONS**

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. **BUILDING, CONDITIONAL USE AND SIGN PERMITS**

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. **PUBLIC IMPROVEMENTS**

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. **PROPOSED SCHEDULE OF DEVELOPMENT**

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the area is currently partly occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to five (5) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first five (5) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same five (5) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first five (5) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said five (5) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond five (5) years after the redevelopment corporation shall have acquired title

to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof. All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the area, or other items which alter the nature or intent of this plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**THE 6238-48 SUNSHINE DRIVE AREA
LEGAL DESCRIPTION**

CB 6352 SUNSHINE DR., 181 ft./196.73 ft./130 ft., St. Louis Hills 4 Add'n., blk. 4 lot 23, 24, 25 & w – 22. (6352-00-00050)

See attached Exhibits B, C & D

EXHIBIT E
FORM: 05/26/99

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

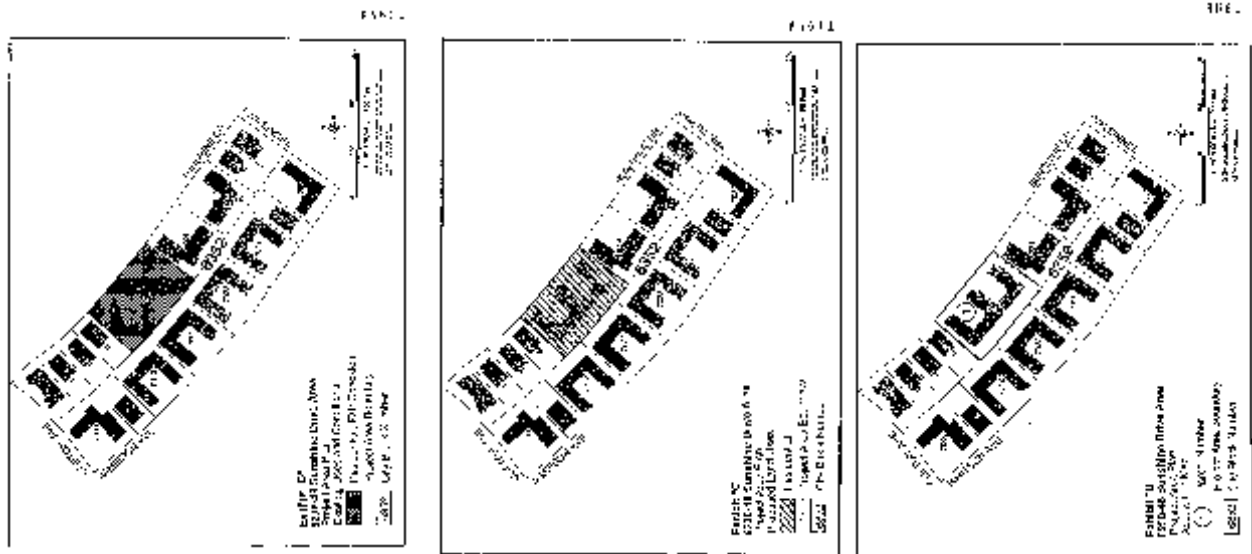
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: October 11, 2002

ORDINANCE NO. 65641 - EXHIBITS B, C & D



ORDINANCE #65642
Board Bill No. 192

An ordinance affirming that the area blighted by Ordinance 64799, known as the 1933 Edwards Street Area ("Area") as described in Exhibit "A-1" attached hereto and incorporated by reference, is a blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), affirming that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Amended Blighting Study and Plan dated June 25, 2002 for the Area ("Amended Plan"), incorporated herein by Exhibit "B" for an Amended Area ("Amended Area"), incorporated herein by Exhibit "A," pursuant to Section 99.430; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is currently partially occupied and the Redeveloper shall be responsible for providing relocation assistance pursuant to the Amended Plan to any eligible occupants displaced as a result of implementation of the Amended Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Amended Plan; finding that there shall be available up to ten (10) year tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and exercise their respective powers in a manner consistent with the Plan.

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a Land Clearance Project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, by Ordinance 64799, this Board found the property located in the 1933 Edwards Street Area to be a "blighted area" as defined in Section 99.320 (3) of the Statute and said property remains blighted; and

WHEREAS, by Ordinance 64799, this Board also approved a Redevelopment Plan for the Area, dated December 16, 1999; and

WHEREAS, it is desirable and in the public interest to amend the Redevelopment Plan approved by Ordinance 64799 by approving an Amended Area; and

WHEREAS, the LCRA has recommended such an amended plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Amended Blighting Study and Plan for 1933 Edwards Street", dated July 27, 1999, amended June 25, 2002, consisting of a Title Page, a Table of Contents Page, and Thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Amended Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Amended Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Amended Area; and

WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Amended Area; and

WHEREAS, the Amended Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Amended Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Amended Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Amended Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The finding of the Board of Aldermen, by St. Louis Ordinance 64799, that certain property described therein (and described herein as Exhibit "A-1" attached hereto and incorporated herein) is a blighted area, as defined in Section 99.320(3) of the Revised Statutes of Missouri, 1994, as amended (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) is hereby confirmed.

SECTION TWO. The redevelopment of the Amended Area as described in Exhibit "A", as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Amended Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the additional property included in the Amended Area is also blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Amended Blighting Study and Plan for the Area, amended June 25, 2002 ("Amended Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Amended Plan with the Minutes of this meeting.

SECTION FIVE. The Amended Plan for the Amended Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Amended Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Amended Plan for the Amended Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Amended Plan for the Amended Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Amended Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Amended Plan for the Amended Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire any property in the Amended Area by the exercise of eminent domain.

SECTION NINE. The property within the Amended Area is currently partially occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Thirteen, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

SECTION TEN. The Amended Plan for the Amended Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Amended Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Amended Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Amended Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Amended Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be in the Amended Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Amended Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Amended Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Amended Plan, bona fide Minority Business Enterprise ("MBE's") and Women Business Enterprise ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the

Community Development Commission of the City;

- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Fourteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control and interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control and interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. A Redeveloper may seek ten-(10) year real estate tax abatement pursuant to Sections 99.700 – 99.715, Revised Statutes of Missouri 1994, as amended, upon applications as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created:

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan.

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Amended Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as the Amended Plan was first approved. Modifications which will substantially change the Amended Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Amended Area, or to other items which alter the nature or intent of the Amended Plan.

The Amended Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Amended Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the void sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A-1"

**THE 1933 EDWARDS STREET AREA
LEGAL DESCRIPTION**

Beginning at the intersection of the west line of Edwards Street (50 ft. wide) with the north line of Daggett Avenue (8 ft. wide); thence westwardly along said north line Daggett Avenue 135 ft. to the east line of a private north-south alley (10 ft. wide); thence along said east line of alley northwardly 51.50 ft.; thence eastwardly along a line parallel to said north line of Daggett Avenue 135 ft. to said east line of Edwards Street; thence along said west line of Edwards Street southwardly 51.50 feet to the point of beginning. **(4038-00-0205)**

EXHIBIT "A"

**THE 1933 EDWARDS STREET AREA
LEGAL DESCRIPTION**

PARCEL ONE

Beginning at the intersection of the west line of Edwards Street (50 ft. wide) with the north line of Daggett Avenue (80 ft. wide); thence westwardly along said north line of Daggett Avenue 135 ft. to the east line of a private north-south alley (10 ft. wide); thence along said east line of alley northwardly 51.50 ft.; thence eastwardly along a line parallel to said north line of Daggett Avenue 135 ft. to said west line of Edwards Street; thence along said west line of Edwards Street southwardly 51.50 feet to the point of beginning. (4038-00-0205)

PARCEL TWO

(40380001950), 1931 EDWARDS ST., C B 4038 EDWARDS, 22FT x 88 FT, FAIRMONT ADDN, PT LOT 6 BND S 29.50 FT N OF NL DAGGETT, BTO SEE PARCEL 4038-00-02000

EXHIBIT "B"
Form: 07/2/02

AMENDED
BLIGHTING STUDY AND PLAN

FOR THE
1933 EDWARDS STREET AREA
PROJECT #9121
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
July 27, 1999
Amended June 25, 2002

MAYOR
FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR
1933 EDWARDS STREET AREA**

PAGE

A.	EXISTING CONDITIONS AND FINDING OF BLIGHT	1
1.	DELINEATION OF BOUNDARIES	1
2.	GENERAL CONDITION OF THE AREA	1
3.	PRESENT LAND USE OF THE AREA	1
4.	PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES	1
5.	CURRENT ZONING	2
6.	FINDING OF BLIGHT	2
B.	PROPOSED DEVELOPMENT AND REGULATIONS	2

1.	DEVELOPMENT OBJECTIVES	2
2.	PROPOSED LAND USE OF THE AREA	2
3.	PROPOSED ZONING	3
4.	RELATIONSHIP TO LOCAL OBJECTIVES	3
5.	PROPOSED EMPLOYMENT FOR THIS AREA	3
6.	CIRCULATION	3
7.	BUILDING AND SITE REGULATIONS	3
8.	URBAN DESIGN	3
9.	PARKING REGULATIONS	4
10.	SIGN REGULATIONS	4
11.	BUILDING, CONDITIONAL USE AND SIGN PERMITS	5
12.	PUBLIC IMPROVEMENTS	5
C.	PROPOSED SCHEDULE OF DEVELOPMENT	6
D.	EXECUTION OF PROJECT	6
1.	ADMINISTRATION AND FINANCING	6
2.	PROPERTY ACQUISITION	6
3.	PROPERTY DISPOSITION	6
4.	RELOCATION ASSISTANCE	6
E.	COOPERATION OF THE CITY	6
F.	TAX ABATEMENT	7
G.	COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS	8
1.	LAND USE	8
2.	CONSTRUCTION AND OPERATIONS	8
3.	LAWS AND REGULATIONS	8
4.	ENFORCEMENT	8
H.	MODIFICATIONS OF THIS PLAN	8
I.	DURATION OF REGULATION AND CONTROLS	9
J.	EXHIBITS	9
K.	SEVERABILITY	9

EXHIBITS

"A"	LEGAL DESCRIPTION
"B"	PROJECT AREA PLAN
"C"	PROPOSED LAND USE
"D"	ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON- DISCRIMINATION GUIDELINES

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 1933 Edwards Street Area ("Area") consists of two parcels totalling 0.12 acres in the Hill neighborhood of the City of St. Louis ("City")., Macklind Avenue on the The Area is in the block bounded by Edwards Street on the east west, Shaw Avenue on the north and Daggett Avenue on the south.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises part of City Block 4038 and is in fair condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound

and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.1% unemployment rate for the City as of January, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently approximately 6 to 10 jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include one occupied commercial building and one unoccupied residential building. The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for residential. Residential density for the surrounding neighborhoods is approximately 7.21 persons per acre.

5. CURRENT ZONING

The Area is zoned "A" Single Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in fair condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the substantial expansion and upgrading this commercial building.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are commercial uses permitted in Areas designated "F" Neighborhood Commercial District by the City of St. Louis Zoning Code. Redevelopers authorized by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for the following:

pawn shops, adult bookstores, x-rated movie houses, massage parlors or health spas, auto and truck dealers (new or used), storefront churches, pinball arcades, pool halls, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, blood donor facilities, free standing package liquor stores, check cashing centers, any use (except for financial institutions or pharmacies) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, automobile service or stations.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area may be changed to "F" Neighborhood Commercial District to better reflect actual use. If a change in zoning is made, all land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan"

(1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Four permanent new jobs will be created if the Area is developed in accordance with this plan. The exact number of jobs created will depend upon the specific nature of the proposed development.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet this requirement may result in suspension of tax abatement.

8. URBAN DESIGN

a. **Urban Design Objectives**

The property shall be upgraded and expanded so it is an attractive commercial structure with the surrounding neighborhood.

b. **Urban Design Regulations**

New construction shall respect the original architecture of the neighborhood in terms of design and materials.

c. **Landscaping**

The property shall be well-landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, as determined by the Parks Department of the City depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. Existing, healthy trees and shrubs shall be retained, if feasible.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises.

New wall signs shall not obstruct any architectural building elements, and shall project no more than eighteen (18) inches from the face of the building. Upper Level signage shall be located just below or above the top floor windows facing in any direction regardless of street orientation, shall not exceed 2% of the area of the façade on which it appears nor have letters more than one foot in height for each ten foot (10') of building height provided that the maximum shall be ten foot (10') high letters (i.e. maximum sign letter height on a fifty foot (50') high building shall be five feet (5')). Pedestrian level signage shall be below the second floor window sill of a structure and/or above the store front windows or on the sides of building perpendicular to the street. The total pedestrian level signage per business per façade shall be the lessor of fifty (50) sq. ft. on ten percent (10%) of the ground floor façade area.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed and are placed neatly within the window or door opening. Signage on awnings may be located on the sloping portion of the canvas awning, on the front of a canopy or on the awning valance. In no case shall signage be allowed on both an awning and a building for the same business. Logos and graphic elements may be up to ten (10) sq. ft. in size (depending on the size of the awning), while names or brand copy shall be in proportion to the size of the awning, but in no case shall lettering be more than twelve inches (12") high.

Painted wall signs, roof signs, pole signs, monument signs, moving signs, animated or flashing signs, or permanent or portable message board signs shall not be permitted in the Area, and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the area, except that construction and leasing signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel or part thereof.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this Plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1986) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is currently partially occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created:

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, neighborhood improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to (10) years from the commencement of such tax abatement, in accordance with the following provisions of this plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the City Guidelines for Maximum Utilization of Minority Enterprises dated January 1, 1981, as may be amended, and the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. **ENFORCEMENT**

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A-1"

**THE 1933 EDWARDS STREET AREA
LEGAL DESCRIPTION**

Beginning at the intersection of the west line of Edwards Street (50 ft. wide) with the north line of Daggett Avenue (8 ft. wide); thence westwardly along said north line Daggett Avenue 135 ft. to the east line of a private north-south alley (10 ft. wide); thence along said east line of alley northwardly 51.50 ft.; thence eastwardly along a line parallel to said north line of Daggett Avenue 135 ft. to said east line of Edwards Street; thence along said west line of Edwards Street southwardly 51.50 feet to the point of beginning. (4038-00-0205)

EXHIBIT "A"

**THE 1933 EDWARDS STREET AREA
LEGAL DESCRIPTION**

PARCEL ONE

Beginning at the intersection of the west line of Edwards Street (50 ft. wide) with the north line of Daggett Avenue (80 ft. wide); thence westwardly along said north line of Daggett Avenue 135 ft. to the east line of a private north-south alley (10 ft. wide); thence along said east line of alley northwardly 51.50 ft.; thence eastwardly along a line parallel to said north line of Daggett Avenue 135 ft. to said west line of Edwards Street; thence along said west line of Edwards Street southwardly 51.50 feet to the point of beginning. (4038-00-0205)

PARCEL TWO

(40380001950), 1931 EDWARDS ST., C B 4038 EDWARDS, 22FT x 88 FT, FAIRMONT ADDN, PT LOT 6 BND S 29.50 FT N OF NL DAGGETT, BTO SEE PARCEL 4038-00-02000

See attached Exhibits B, C & D

EXHIBIT "E"
FORM: 08/02/99

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

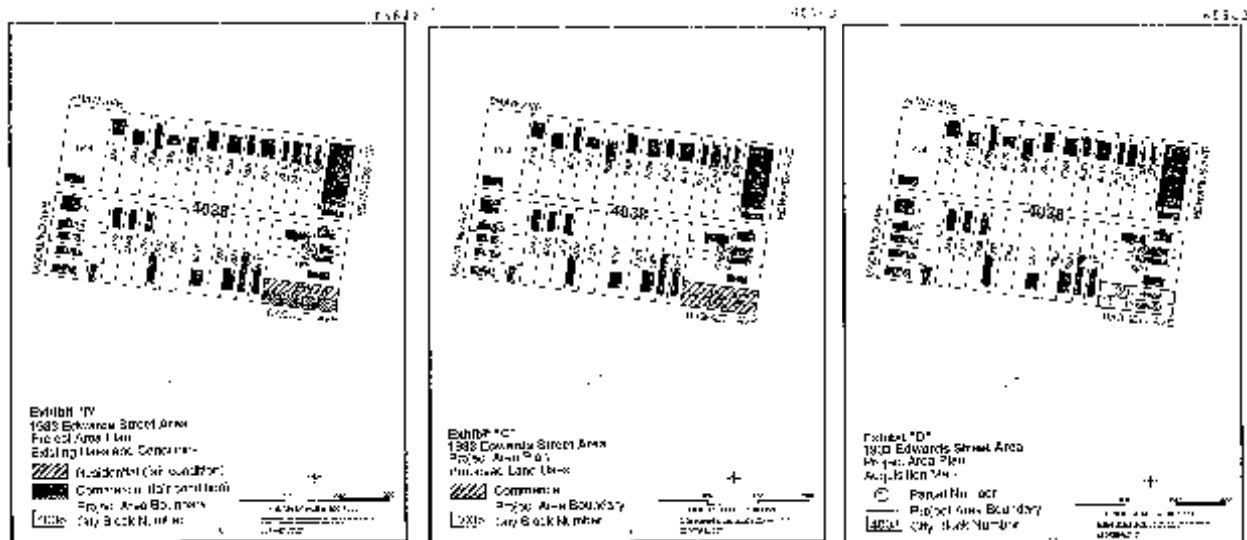
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: October 11, 2002

ORDINANCE NO. 65642 - EXHIBITS B, C & D



ORDINANCE #65643
Board Bill No. 200

An ordinance approving a Redevelopment Plan for the 2101 S. Jefferson Avenue Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated June 25, 2002, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is unoccupied but if it should become occupied the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 2101 S. Jefferson Avenue Redevelopment Area", dated June 25, 2002, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and Planning Commission of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the 2101 S. Jefferson Avenue Redevelopment Area ("Area").

SECTION TWO. The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Blighting Study and Plan for the Area, dated June 25, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

SECTION FIVE. The Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire no property in the Area by the exercise of eminent domain.

SECTION NINE. The property within the Area is unoccupied. If it should become occupied, all eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

SECTION TEN. The Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;

(f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

(g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created. In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A"

**2101 S. JEFFERSON AVENUE AREA
LEGAL DESCRIPTION**

A tract of land being lots 1 through 5 inclusive, in block 11 of Thomas Allen's Western Add'n., and in block 1352 of the City of St. Louis, Missouri, and being more particularly described as follows: Beginning at a point, said point being the intersection of the west

line of Jefferson Avenue 120 ft. wide with the south line of Russell Boulevard, 80 ft. wide, said point being also the northeast corner of lot 1 block 11 of Thomas Allen's Western Add'n., thence along the west line of Jefferson Avenue, being also the east line of lots 1, 2, 3, 4 and 5 block 11 of said subdivision, south 4 degrees 15 minutes west 135 ft. to the southeast corner of lot 5, thence leaving the west line of Jefferson Avenue and along the line dividing lots 5 and 6 north 86 degrees 01 minutes west 150 ft. to a point on the east line of a 20 ft. wide alley, said point being the southwest corner of lot 5, thence along the east line of said 20 foot wide alley, being also the west line of lots 5, 4, 3, 2 and 1 north 4 degrees, 15 minutes east 135 ft. to the northwest corner of lot 1, said point being on the south line of Russell Boulevard, thence along the north line of lot 1, being also the south line of Russell Boulevard, south 86 degrees 01 minute east 150 ft. to the point of beginning, according to survey executed by Elbring Surveying & Engineering Company on April 27, 1970, now being part of adjusted lot 1 of Boundary Adjustment Plat of a tract of land being lots 1 through 7 inclusive, in block 11 of Thomas Allen's Western Addition located in City Block 1352 of the City of St. Louis according to the plat thereof recorded in plat book 64 page 5 of the St. Louis City Records. (1352-00-01500)

EXHIBIT "B"
FORM: 6/7/02

BLIGHTING STUDY AND PLAN
FOR
THE 2101 S. JEFFERSON AVENUE AREA
PROJECT #9434
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
JUNE 25, 2002

MAYOR
FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR
THE 2101 S. JEFFERSON AVENUE AREA**

PAGE

A.	EXISTING CONDITIONS AND FINDING OF BLIGHT	1
1.	DELINEATION OF BOUNDARIES	1
2.	GENERAL CONDITION OF THE AREA	1
3.	PRESENT LAND USE OF THE AREA	1
4.	PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES	1
5.	CURRENT ZONING	1
6.	FINDING OF BLIGHT	2
B.	PROPOSED DEVELOPMENT AND REGULATIONS	
1.	DEVELOPMENT OBJECTIVES	2
2.	PROPOSED LAND USE OF THE AREA	2
3.	PROPOSED ZONING	2
4.	RELATIONSHIP TO LOCAL OBJECTIVES	2
5.	PROPOSED EMPLOYMENT FOR THIS AREA	2
6.	CIRCULATION	3
7.	BUILDING AND SITE REGULATIONS	3
8.	URBAN DESIGN	3
9.	PARKING REGULATIONS	3
10.	SIGN REGULATIONS	4
11.	BUILDING, CONDITIONAL USE AND SIGN PERMITS	4
12.	PUBLIC IMPROVEMENTS	4
C.	PROPOSED SCHEDULE OF DEVELOPMENT	5
D.	EXECUTION OF PROJECT	5
1.	ADMINISTRATION AND FINANCING	5
2.	PROPERTY ACQUISITION	5
3.	PROPERTY DISPOSITION	5
4.	RELOCATION ASSISTANCE	5
E.	COOPERATION OF THE CITY	6
F.	TAX ABATEMENT	6

G.	COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS	7
1.	LAND USE	7
2.	CONSTRUCTION AND OPERATIONS	7
3.	LAWS AND REGULATIONS	7
4.	ENFORCEMENT	7
H.	MODIFICATIONS OF THIS PLAN	7
I.	DURATION OF REGULATIONS AND CONTROLS	8
J.	EXHIBITS	8
K.	SEVERABILITY	8

EXHIBITS

"A"	LEGAL DESCRIPTION
"B"	PROJECT AREA PLAN
"C"	PROPOSED LAND USE
"D"	ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON- DISCRIMINATION GUIDELINES

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 2101 S. Jefferson Avenue Redevelopment Area ("Area") consists of one commercial building formerly a Taco Bell restaurant on land totaling .46 acre in the Fox Park neighborhood of the City of St. Louis ("City"). The property is in the block bounded by Ohio Avenue on the west, S. Jefferson Avenue on the east, Russell Boulevard on the north and Ann Avenue on the south.

The legal descriptions for the area are attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises part of City Block 1352 and is in fair condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate an 8.1% unemployment rate for the City as of January, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area. There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the area include one unoccupied commercial building in fair condition.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are generally residential. Residential density for the surrounding neighborhoods is approximately 17.36 persons per acre.

5. CURRENT ZONING

The Area is zoned "F" Neighborhood Commercial District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is unoccupied and in fair condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the rehabilitation and reuse of this building.

2. PROPOSED LAND USE OF THE AREA

The property is currently zoned "F" Neighborhood Commercial District. The proposed land uses for the Area are residential and commercial uses permitted in Areas designated "F" Neighborhood Commercial District by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for any use not allowed in the "F" Neighborhood Commercial District. Exhibit "C"(Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the property may remain "F" Neighborhood Commercial District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

Three to 5 new jobs will be created if the Area is developed in accordance with this Plan.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

8. URBAN DESIGN

a. Urban Design Objectives

The property shall be rehabilitated so it is an attractive office/commercial structure within the surrounding neighborhood.

b. Urban Design Regulations

Rehabilitation of the existing structure shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design of the

building.

c. Landscaping

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2- 1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees. Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs. Existing, non-scrub trees shall be retained.

9. PARKING REGULATIONS

Parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity. Three percent (3%) of the interior of all parking lots containing more than twenty-five (25) spaces shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. The trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises. New wall signs shall not obstruct any architectural building elements, shall be placed only those sides of buildings fronting on public or private streets, shall project no more than eighteen (18) inches from the face of the building, shall not extend above the second floor window sill of the structure, and the total sign area shall be the lesser of either fifty (50) square feet or ten percent (10%) of the ground floor wall surface fronting on such streets. Only one sign per business per wall facing on a public or private street shall be permitted. In addition, one identification sign up to ten (10) sq. ft. in size may be placed on a wall facing a parking area or open space, provided the LCRA confirms that such a sign is required.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed. Signage on awnings is limited to awning valance. In no case shall signage be allowed on both an awning valance and a building for the same business.

Painted wall signs, roof signs, pole signs, moving signs, animated or flashing signs, or permanent or portable message board signs shall not be permitted in the Area, and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the Area.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the area is currently unoccupied. If it should become occupied, all eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS**1. LAND USE**

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof. All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the area, or other items which alter the nature or intent of this plan. This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**2101 S. JEFFERSON AVENUE AREA
LEGAL DESCRIPTION**

A tract of land being lots 1 through 5 inclusive, in block 11 of Thomas Allen's Western Add'n., and in block 1352 of the City of St. Louis, Missouri, and being more particularly described as follows: Beginning at a point, said point being the intersection of the west line of Jefferson Avenue 120 ft. wide with the south line of Russell Boulevard, 80 ft. wide, said point being also the northeast corner of lot 1 block 11 of Thomas Allen's Western Add'n., thence along the west line of Jefferson Avenue, being also the east line of lots 1, 2, 3, 4 and 5 block 11 of said subdivision, south 4 degrees 15 minutes west 135 ft. to the southeast corner of lot 5, thence leaving the west line of Jefferson Avenue and along the line dividing lots 5 and 6 north 86 degrees 01 minutes west 150 ft. to a point on the east line of a 20 ft. wide alley, said point being the southwest corner of lot 5, thence along the east line of said 20 foot wide alley,

being also the west line of lots 5, 4, 3, 2 and 1 north 4 degrees, 15 minutes east 135 ft. to the northwest corner of lot 1, said point being on the south line of Russell Boulevard, thence along the north line of lot 1, being also the south line of Russell Boulevard, south 86 degrees 01 minute east 150 ft. to the point of beginning, according to survey executed by Elbring Surveying & Engineering Company on April 27, 1970, now being part of adjusted lot 1 of Boundary Adjustment Plat of a tract of land being lots 1 through 7 inclusive, in block 11 of Thomas Allen's Western Addition located in City Block 1352 of the City of St. Louis according to the plat thereof recorded in plat book 64 page 5 of the St. Louis City Records. (1352-00-01500)

See attached Exhibits B, C & D

EXHIBIT E
FORM: 05/26/99

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

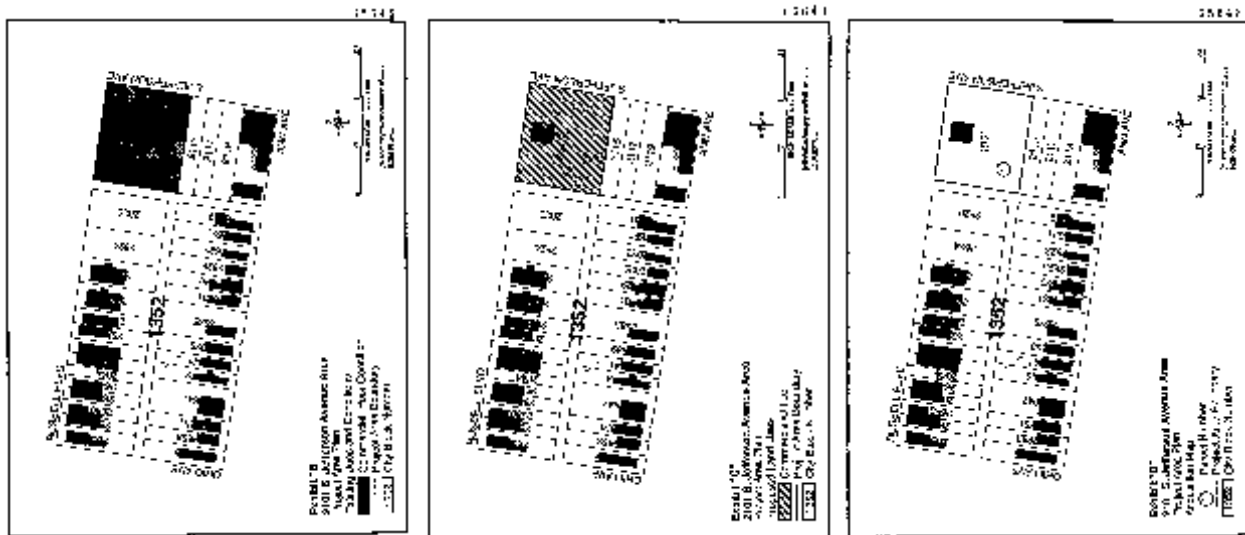
The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: October 11, 2002

ORDINANCE NO. 65643 - EXHIBITS B, C & D



ORDINANCE #65644
Board Bill No. 26

An ordinance authorizing and directing the Street Commissioner to take all necessary actions to honorarily designate Clara Avenue as "Congressman William L. Clay, Sr. Drive".

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Pursuant to the provisions of Ordinance 65233, Clara Avenue shall hereafter be honorarily designated as "Congressman William L. Clay, Sr. Drive". The Director of Streets shall erect an honorary street-name sign on Clara Avenue at the intersection of Clara Avenue and Clemens Avenue, which sign shall read "Congressman William L. Clay, Sr. Drive".

Approved: October 15, 2002

ORDINANCE #65645
Board Bill No. 166

An Ordinance for regulation and control of air pollution within the City of St. Louis: repealing ordinances 64749, approved November 5, 1999; and Ordinance 65108, approved December 20, 2000; and Ordinance 65448, approved April 21, 2002; pertaining to the regulation and control of air pollution and enacting in lieu thereof a new ordinance pertaining to the same subject matter, and containing a severability clause, a penalty clause and an emergency clause.

SECTION ONE: Adoption	2
SECTION TWO: Name	3
SECTION THREE: Policy Statement	3
SECTION FOUR: Statement of Delegated Authority	3
SECTION FIVE: Continuation of Existing Actions	4
SECTION SIX: Definitions	4
SECTION SEVEN: Commissioner Powers and Duties	9
SECTION EIGHT: Board of Appeals and Variance Review	12
SECTION NINE: Variances	14
SECTION TEN: Commissioner to Approve Construction, Alteration and Demolition Plans	18
SECTION ELEVEN: Community Alert	18
SECTION TWELVE: Source-Specific Emergency Procedures	26
SECTION THIRTEEN: Air Pollution Nuisance Prohibited	27
SECTION FOURTEEN: Restrictions of Visible Air Emissions	28
SECTION FIFTEEN: Open Burning Restrictions	30
SECTION SIXTEEN: Incinerators	30
SECTION SEVENTEEN: Prevention of Airborne Particulate Matter	39
SECTION EIGHTEEN: Abrasive Blasting	40
SECTION NINETEEN: Source Registration Permits Required	42
SECTION TWENTY: Inspection, Disclosure, and Submittal of Requested Information	45
SECTION TWENTY-ONE: Cooperation of Local Governmental Agencies Required	46
SECTION TWENTY-TWO: Enforcement	46
SECTION TWENTY-THREE: Upset Conditions, Breakdowns or Scheduled Maintenance	51
SECTION TWENTY-FOUR: Performance Based Fee Schedule	53
SECTION TWENTY-FIVE: Severability	59
SECTION TWENTY-SIX: Penalty Clause	60
SECTION TWENTY-SEVEN: Emergency Clause	60

BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

SECTION ONE: The following Ordinances are hereby repealed: Ordinances No. 64749, approved November 5, 1999; Ordinance No. 65108, approved December 20, 2000; and Ordinance No. 65448, approved April 21, 2002 and in lieu thereof the following Ordinance is hereby adopted.

SECTION TWO: This Ordinance shall be known and may be cited as the St. Louis Air Pollution Control Ordinance, an Ordinance for regulation and control of air pollution within the City of St. Louis.

SECTION THREE: Policy Statement. It is hereby declared to be the public policy of the City of St. Louis, for the Department of Health and Hospitals, Environmental Health - Air Pollution Control Program, to preserve, protect and improve the air resources of this City, so as to promote health, safety, and welfare; prevent injury to human health, plant, animal life, and property; foster the comfort and convenience of its inhabitants and, to the greatest degree practicable, facilitate the enjoyment of residents and visitors of the attractions of the City.

SECTION FOUR: Statement of Delegated Authority. In addition to the requirements contained within the Sections of this Ordinance be it hereby known that:

The Health Commissioner or his authorized representatives operating as Delegated Agents of the State of Missouri, Department of Natural Resources, Division of Environmental Quality, Air Program, under authority contained within the Air Conservation Law and granted by the Missouri Air Conservation Commission and conditions contained within the State/Local Agreement, may enforce any provision of State Air Conservation Law so delegated, or specific rules contained within Chapters 5 and 6 of Division 10 of Title 10 of the Code of State Regulations.

SECTION FIVE: Continuation of Existing Actions. The repeal of any Ordinance or portion thereof by this Ordinance shall not affect or impair any act done, or right vested or accrued, or any proceeding suit or prosecution, had or commenced in any cause before such repeal takes effect; but every such act done, or right vested, or accrued, or proceeding suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes, as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty, or forfeiture, either civilly, or criminally incurred prior to the time when any such ordinance, or part thereof shall be repealed or altered by this Ordinance, shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded within all respects as if such prior Ordinances or part thereof had not been repealed or altered.

SECTION SIX: Definitions. This Section defines key words and expressions used in this Ordinance. The following definitions are in addition to those contained in State Rule 10 CSR 10-6.020, as amended.

1. **Abandon-** Abandon in the City of St. Louis shall mean the cessation of the use of the equipment, machines, devices, articles, contrivances or facility for a period in excess of one year. If this definition runs contrary to State Rule 10 CSR 10-6.060, as amended, on permitting decisions affected by that rule, the State Rule will take preference.
2. **Adjoining-** contiguous, lying next to, or in contact with.
3. **Adsorption system-** A device containing adsorbent material such as: activated carbon, molecular sieves, activated alumina, silica gel; an inlet and outlet for exhaust gases; and a system to regenerate the saturated adsorbent. The adsorption system must provide for the proper disposal or reuse of all VOC adsorbed.
4. **Air Pollution Abatement Operation-** Any operation which has as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission.
5. **Ash-** The incombustible solid matter in coal, wood, oil, refuse or other fuel.
6. **Board-** The Board of Air Pollution Control Appeals and Variance Review.
7. **BTU-** British Thermal Unit(s).
8. **CFR-** Code of Federal Regulations.
9. **CSR-** Code of State Regulations.
10. **Charge Port-** Any opening into any vessel or enclosure through which material is charged into a source operation.
11. **Charge Rate-** The weight of material introduced into a source operation per hour.
12. **Charging Operation-** The process of introducing materials into a source operation. The material charged can be solid, liquid, or gas or any combination thereof.
13. **Commissioner-** The Health Commissioner of the City of St. Louis.
14. **Construction Project** - The installation or modification of an "Emissions Unit" as defined in 10 CSR 10-6.020, as amended at any facility within the City of St. Louis.
15. **Criteria Pollutants-** Those pollutants for which National Ambient Air Quality Standards exist.
16. **Directly Impinges-** As used in this Ordinance, shall pertain to an emission directly impacting on adjoining structures not owned or controlled by the source of the emission.
17. **Dry Basis-** The method of reporting coal analysis with moisture eliminated and remaining constituents to be calculated to total one hundred (100%) percent.
18. **Elevated Terrain-** Terrain which exceeds the elevation of the Good Engineering Practice Stack Height.
19. **Facility-** All source operations including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the *Standard Industrial Classification Manual*, 1987), and any marine vessels while docked at the facility, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).

20. **Fly Ash-** Particles of ash carried by the products of combustion.
21. **Inadequate Dispersion-** Shall pertain to the visible plume from any exhaust stack, duct, vent, impinging upon adjoining property in such a manner that it directly affects or has the potential as determined by the Commissioner to adversely affect the health or well being of individuals on that adjoining property.
22. **Industrial Process-** An independent production area or grouping of equipment used for manufacturing a product or products.
23. **Open Burning-** The burning of any matter in such manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an approved stack, duct, vent or chimney.
24. **Performance Based Cost-** The total direct and indirect resources allocated to provide services within the Commissioner's Office.
25. **Plume-** A sensory detectable column or band of smoke and/or odors.
26. **Premises-** Land, improvements, or the ambient air above such land or improvements.
27. **Reasonable Means-** The rational application of emission control technology or methods of operation to reduce otherwise uncontrolled pollutant emissions to the ambient air.
28. **Reasonable Time-** A period of time to be determined by the Commissioner after reviewing all pertinent information, which does not cause undue harm to any concerned persons constrained by said time frame.
29. **Refuse-** Any combustible waste material containing carbon in a free or combined state, other than liquids or gases.
30. **Salvage Operation-** Any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material including but not limited to metals or chemicals.
31. **Sensory Detectable-** The level at which an air contaminant can be perceived by the sense of sight or smell.
32. **Significant Number-** This shall be a number determined by the Commissioner, based on a case by case basis of those individuals affected by an alleged violating facility, and taking into consideration such facts as geography, population density, location, and any other relevant data.
33. **St. Louis Air Quality Control Region-** The geographical area composed of St. Louis, St. Charles, Jefferson and Franklin Counties and the City of St. Louis in Missouri, and St. Clair, Madison, and Monroe Counties in Illinois.
34. **Trade Waste-** Solid, liquid, or gaseous material resulting from construction or the prosecution of any business, trade or industry, or any demolition operation including but not limited to wood, plastics, cartons, grease, oil, chemicals and cinders.
35. **Uncombined Water-** The visible condensed water which is not bound, physically or chemically, to any air contaminant.
36. **Vegetation-** Any representative of the plant kingdom including but not limited to trees, shrubs, grasses, or vegetables, and any anatomical part of these plants including but not limited to leaves, stems, roots, flowers or fruits.
37. **Vent-Stack-Chimney-Duct-** An enclosure containing one or more passageways connected to a source operation or an air pollution abatement operation, for the purpose of removing air contaminants to the ambient air.

SECTION SEVEN: Powers and Duties. In addition to any other powers vested in the Commissioner by law, the Commissioner or his/her authorized representatives shall have power to:

- A. Exercise general supervision over Air Pollution Control Program, and have charge of the enforcement of all ordinances or regulations pertaining to air pollution control and air quality maintenance and initiate prosecutions for the violations thereof.
- B. Investigate complaints of air pollution and air quality maintenance, and make inspections and observations of air pollution conditions within the city.
- C. Hold hearings related to any aspects of, or matters in the administration of this Ordinance.
- D. Issue such orders as may be necessary to implement the purposes of this Ordinance, including but not limited to orders of abatement, stop work orders, and sealing orders, and enforce the same by all appropriate administrative and judicial proceedings.
- E. Secure necessary scientific, technical, administrative, and operational supplies, materials, equipment and/or services, by contract or otherwise.

- F. Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution.
- G. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this Ordinance.
- H. Encourage and conduct studies, investigations and research, relating to air pollution and its prevention, abatement, and control.
- I. Collect and disseminate information and conduct educational and training programs relating to air pollution.
- J. Advise, consult, and cooperate with other local governmental units, agencies of the state, industries, interstate or regional agencies, and the federal government, and with interested persons and groups.
- K. Appoint such engineers, technicians, inspectors, stenographers, clerks, and other employees that shall be necessary to perform the duties of the Commissioner. Such appointments shall be made in accordance with the provisions of the Charter and Ordinances of the City.
- L. Accept, receive, and administer grants or other funds or gifts from public and private agencies.
- M. Designate testing methods when a particular method is not specified by this Ordinance from among standards of widely recognized methods, including but not limited to methods of the ASTM, ASME, United States Environmental Protection Agency, and any recognized professional publications.
- N. Take all possible action to secure a high standard of air quality throughout the entire St. Louis Metropolitan area which action may include promotion of the passage and enforcement of air pollution control laws in other political subdivisions.
- O. Whenever the Commissioner may find that sufficient progress is not being made toward abatement or control of a significant source or sources of air pollution located within that portion of the St. Louis Metropolitan area, which lies within the State of Illinois, with the approval of the Director of Health and Hospitals and the Mayor, he shall institute efforts to persuade the Governor of the State of Missouri, or the Missouri Air Conservation Commission, to register a formal complaint with the appropriate federal agency as provided by the laws of the United States.
- P. Have a duty with the approval of the Mayor, to initiate or intervene in proceedings before the Missouri Air Conservation Commission, in order to attain standards of air pollution control throughout the Missouri portion of the St. Louis Metropolitan area, which shall be as comprehensive and as restrictive as those created by this Ordinance.
- Q. Unless specifically prohibited by law, the Commissioner may designate department representatives to carry out any or all of these powers and duties.

SECTION EIGHT: Board of Air Pollution Control Appeals and Variance Review.

- A. The Mayor shall appoint a Board of Air Pollution Control Appeals and Variance Review consisting of three (3) members. At least one member shall be an attorney licensed in the State of Missouri, and one shall be a Professional Engineer registered in the State of Missouri. The members shall be residents of the City of St. Louis. The members shall be appointed for terms of four (4) years and shall be compensated as prescribed by the Civil Service Commission. To the maximum extent possible, the members should not have a substantial interest in any business either subject to regulation by this Ordinance or engage in the manufacture, sale, or distribution of air pollution control devices.
- B. The Mayor shall designate one of the members of the Board to serve as Chairperson. The Commissioner shall serve as Secretary of the Board, but shall have no vote on the Board.
- C. The Board shall advise the Commissioner on standards, rules and regulations, and such other matters as are submitted to it by the Commissioner.
- D. The Board shall conduct hearings on appeals from actions and orders of the Commissioner and all petitions for variance. A quorum shall consist of at least two (2) members and a quorum shall be required to conduct a hearing. Notice of appeal from an order or decision of the Commissioner shall be filed within ten (10) days from the date of said order or decision. A filing fee of fifty (\$50) dollars shall accompany any notice of appeal or request for variance. Any expenses incurred by the Commissioner as a result of an appeal or request for variance will be paid by the applicant requesting such action.
- E.
 - 1. The Board may appoint any member to conduct the hearing, and the Chairperson or the member conducting the hearing shall have the authority to administer oaths and do all other necessary and proper duties.

2. At a Board hearing the parties involved and the Commissioner may appear with counsel, may file written arguments and may make oral arguments, offer testimony or cross examine witnesses, or take any combinations of such actions. The Board shall have authority to make such rules and regulations as are necessary to perform its functions and duties under this Ordinance. A copy of such rules and regulations shall be available to the general public.
 3. All testimony taken before the Board shall be under oath and recorded, except that the Board may require the submission of voluminous or detailed or technical testimony in writing under oath. The transcript of records shall be made available to any member of the public or to any party upon payment of the fair charges therefor.
 4. Any member conducting the hearing may issue subpoenas requiring the attendance and testimony of witnesses, and the production of books and records, relevant to any matter involved. Every subpoena shall be served by the City Marshal and shall be obeyed.
- F.
1. The Board may affirm, modify, or rescind any action of the Commissioner, if it finds that there is error in an order or decision of the Commissioner. It may grant, modify, rescind, deny or approve petitions for variance. The concurrence of a majority of a quorum shall be necessary for the decision described above.
 2. The Board shall notify all parties of record and their counsel in writing by certified or registered mail of its decision. The Commissioner may issue appropriate orders requiring compliance with the decision of the Board. Any decision of the Board rendered pursuant to this Section shall be final and any appeal therefrom shall be made pursuant to the Administrative Procedures Act as set out in Chapter 536, Revised Statutes of Missouri 1978, as amended.

SECTION NINE: Variances.

- A. Any person who owns or is in control of any plant, building, structure, process, or equipment may submit a petition to the Commissioner for a variance from this Ordinance governing the quality, nature, duration or extent of discharges of air pollutants. The petition shall be accompanied by a fee of fifty (\$50) dollars and shall include the following information:
1. The name, address, and telephone number of the petitioner, or other person authorized to receive service of notices;
 2. The type of business or activity involved in the application and the street address at which it is conducted;
 3. A complete comprehensive description of the article, machine, equipment or other contrivance, or process involved in the application and the emissions occurring therefrom;
 4. A petition signed by the petitioner or by some person on the petitioner's behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign;
 5. The Section, rule or order from which a variance is sought;
 6. The facts showing why compliance with the Section, rule or order is unreasonable;
 7. For what period of time the variance is sought and why;
 8. The damage or harm resulting or which would result to petitioner from compliance with such Section, rule or order;
 9. The requirements which petitioner can meet and the date when petitioner can comply with such requirements including the emissions which will result;
 10. The advantages and disadvantages to the residents of the city resulting from requiring compliance or resulting from granting a variance;
 11. Whether operations under such variance, if granted, would constitute a nuisance as defined in Section Fifteen of this Ordinance;
 12. Whether any case involving the same identical equipment or process is pending in any court, civil or criminal;
 13. Whether the subject equipment or process is covered by a permit issued by the Commissioner; and

14. Such other information and data required by rule or regulation of the Board enacted in conformity with the terms, conditions, and limitations of this Ordinance.
- B. The Commissioner or the Commissioner's authorized representative shall promptly investigate such petition and submit it with a recommendation to the Board as to the disposition thereof.
- C. The Board may grant such variance if it finds that:
 1. The emission occurring or proposed to occur, does not constitute a hazard to public health or safety; and
 2. Compliance with the terms and limitations of this Ordinance from which variance is sought would result in an arbitrary and unreasonable taking of property, or in the practical closing and eliminating of any lawful business, occupation or activity, in either case without sufficient corresponding benefit or advantage to the people.
- D. No variance shall be granted pursuant to this Section except after public hearing on due notice and until the Commissioner has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.
 1. Notification will be given to the Missouri Department of Natural Resources Air Program as required by RSMO 643.140 - of any variance granted by the Board which will include copies of all relevant materials. The Missouri Air Program Director has thirty (30) days from receipt of said notice to approve or disapprove of the variance or take other action as granted by the Missouri Air Conservation Law. In no case will the variance take effect without the approval of the Missouri Air Program Director.
 2. No violation of City Ordinance or State Regulation will be allowed to continue during an appeal from the requirements of that Ordinance or Regulation.
- E. Variances may be granted for such period of time and under such terms and conditions as shall be specified by the Board. Variances may be reviewed by the Board upon application made at least sixty (60) days prior to the expiration of the term. Renewal application shall be considered in the same manner as the initial petition for variance was considered by the Board.
- F. A variance or renewal thereof shall not be a vested right of the applicant or holder thereof.
- G. Such a variance may require gradual decrease of the emission during the variance period and the making of periodic reports of the improvement program and on compliance with the terms and conditions attached to the variance, and such a variance may be revoked or modified for failure to comply with the terms and conditions attached thereto, or with any improvement program, or for failure to make a periodic report, if such is required.
- H. Nothing in this Section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency procedures as defined in Section Fourteen of this Ordinance.

SECTION TEN: Commissioner to Approve Construction and Alteration Plans as well as Occupancy and Demolition Applications. The Building Commissioner shall not issue a permit for the demolition, construction, reconstruction, alteration, or occupancy of any building, structure, or business, unless the Commissioner has been given opportunity to review applications to which this Ordinance might apply, and has given its approval.

SECTION ELEVEN: Community Alert During Periods of High Air Pollution Potential.

- A. **General Provisions.**
 1. This section shall apply to all emissions from any source or any premise.
 2. The boundaries of the affected area shall be determined at the discretion of the Commissioner in accordance with the nature and magnitude of the pollutant concentrations and meteorological conditions that cause the alert.
- B. **Air Pollution Alert.**
 1. Alert levels are stated in terms of the Pollutants Standards Index (PSI) as defined in the Code of Federal Regulations (CFR) part 58, Appendix G, for sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂), and particulate matter (PM₁₀). The Concentrations Table shows the relation of the PSI value to equivalent concentrations of air contaminants. All concentrations are measured in micrograms per cubic meter and are averaged over the time period indicated.

Concentrations Table

Alert Type	PSI Value	PM ₁₀ 24 hr.	SO ₂ 24 hr.	CO 8 hr.	O ₃ 1 hr.	NO ₂ 1 hr.
Watch	100	150	365	10,000	235	N/A
Yellow	200	350	800	17,000	400	1,130
Red	300	420	1,600	34,000	800	2,260
Emergency	400	500	2,100	46,000	1,000	3,000

2. Alert Types and Levels of Initiation.

- a. **Watch alert PSI value.** Any one (1) of the contaminants listed in subsection B.1., reaching a concentration which results in a PSI value of one hundred (100) may initiate the Watch alert.
- b. **Yellow alert PSI value.** Any one (1) of the contaminants listed in subsection B.1., reaching a concentration which results in a PSI value of two hundred (200) may initiate the Yellow alert.
- c. **Red alert PSI value.** Any one (1) of the contaminants listed in subsection B.1., reaching a concentration which results in a PSI value of three hundred (300) may initiate the Red alert.
- d. **Emergency alert PSI value.** Any one (1) of the contaminants listed in subsection B.1., reaching a concentration which results in a PSI value of four hundred (400) may initiate the Emergency alert.

3. The testing references for the St. Louis City ambient air quality data are as specified in the Missouri State Rule 10 CSR 10-6.040 Reference Methods, as amended.

4. A Watch alert, Yellow alert, Red alert, Emergency alert may be declared on the basis of deteriorating air quality.

C. **Procedures to Be Followed During Alerts.**

1. **General Procedures.**

- a. Whenever the Commissioner has determined that the criteria for issuing an air pollution watch, yellow alert, red alert, or emergency alert, established by this Section have been met at any location within the City of St. Louis, the Commissioner may immediately declare that an air pollution watch, yellow alert, red alert, or emergency exists. The Commissioner shall immediately implement the provisions of the alert plan; may begin operations of the office on a twenty four hour basis; and do all such other things and take all such actions as the Commissioner feels are reasonably necessary to limit or reduce the concentrations of pollutants in the ambient air of the City of St. Louis.
- b. If, despite the Commissioner's actions, levels of pollutants in the City continue to increase at any location to such an extent that more stringent actions are necessary, the Commissioner shall declare the existence of each succeeding alert stage as outlined in this Section and take appropriate action to enforce the limitations on emissions outlined for that stage of the alert.

2. **Air Pollution Watch.** If the Commissioner issues an Air Pollution Watch, the following procedures shall be initiated:

- a. The following persons, facilities, and agencies shall be notified:
 - 1) All employees deemed necessary by the Commissioner including all employees on vacation, compensatory time, or sick leave who are in the St. Louis area
 - 2) St. Louis County Air Program Manager
 - 3) Missouri Air Program Staff Director
 - 4) Illinois Environmental Protection Agency

- 5) United States Environmental Protection Agency
 - 6) Mayor of the City of St. Louis
 - 7) Directors of Public Safety and Health & Hospitals
 - 8) Director of City's Emergency Management Agency
 - 9) News Media
3. **Yellow Alert.** If the Commissioner issues a yellow alert, the following procedures shall be initiated:
- a. Notify the following persons, facilities, and agencies:
 - 1) All persons notified of the Air Pollution Watch
 - 2) Director of Health and Hospitals
 - 3) All hospitals in the City of St. Louis
 - 4) St. Louis Police Chief
 - 5) St. Louis Housing Authority
 - 6) Laclede Gas Company
 - 7) St. Louis Metropolitan Sewer District
 - 8) St. Louis Fire Chief
 - 9) St. Louis Fire Marshal
 - 10) Bi-State Transit
 - 11) Facilities required by the Commissioner to submit alert plans
 - b. Inform the general public through the news media that a yellow alert exists, the geographical area or areas where the alert is applicable, the emission and type of source or sources that initiated the alert, individual abatement actions which will help alleviate the problem, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.
 - c. The Commissioner shall request through the news media that all unnecessary use of automobiles be restricted and unnecessary physical activity be curtailed.
 - d. Emission reductions listed in a Facilities Alert Plan for yellow alerts will be initiated.
4. **Red Alert.** If the Commissioner issues a red alert, the following procedures shall be initiated:
- a. All persons, facilities or agencies who were notified that yellow alert conditions exist shall be notified that red alert conditions exist.
 - b. Inform the general public through the news media that a red alert exists, the geographical area or areas where the alert is applicable, the emission and type of source or sources that initiated the alert, individual abatement actions which will help alleviate the problems, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.
 - c. Airlines operating within the red alert area shall be notified that such conditions exist, and that a reduction in flights out of the airport may be required.
 - d. The aid of law enforcement agencies may be requested to divert traffic around the red alert area depending upon which pollutant or pollutants caused the alert.
 - e. Local motorists may be asked to avoid certain areas and restrict nonessential trips.
 - f. Facilities which are sources of air contaminant emissions and are required to file approved alert plans with the Commissioner for red alert conditions shall initiate such plans.

5. **Emergency Alert.** If the Commissioner issues an emergency alert, the following procedures shall be initiated:
- a. All persons or agencies who were notified that red alert conditions exist shall be notified that emergency alert conditions exist.
 - b. Facilities which were required to submit alert plans will initiate the Emergency Alert portion of their plan.
 - c. All other manufacturing facilities shall institute such action as will result in maximum reduction of air contaminants from their operations to the extent possible without causing injury to persons or damage to equipment.
 - d. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.
 - e. All airplane flights originating within the area of the air pollution emergency shall be canceled.
 - f. All incinerators shall cease operations throughout the area.
 - g. All places of employment described below shall immediately cease operation during the air pollution emergency:
 - 1) mining and quarrying;
 - 2) contract construction work;
 - 3) wholesale trade establishments;
 - 4) schools and libraries;
 - 5) governmental agencies, except those needed to administer the air pollution alert program and other essential agencies determined by the Commissioner to be vital for public safety and welfare and needed to administer the provisions of this Section;
 - 6) retail trade stores except those dealing primarily in sale of food or pharmacies;
 - 7) banks, real estate agencies, insurance offices and similar businesses;
 - 8) laundries, cleaners and dryers, beauty and barber shops and photographic studios;
 - 9) amusement and recreational service establishments such as motion picture theaters;
 - 10) automobile repair and automobile service garages;
 - 11) advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies and commercial testing laboratories.
- D. **Termination of Alerts.** Upon determining that pollutant levels at all locations in the St. Louis Air Quality Region have dropped to levels which meet the criteria for a lesser phase of alert, the Commissioner shall declare termination of the higher phase and announce the new phase. Upon determining that levels have dropped below the criteria for an air pollution watch the Commissioner shall declare the episode terminated, return the office to its normal operations, and advise the public, industry, and other interested parties to return to their normal operations.

SECTION TWELVE: Source-Specific Emergency Procedures. Notwithstanding the provisions of this Ordinance, or any other provisions of law to the contrary, and without necessity of prior administrative procedures or hearings, or at any time during such proceedings, if the Commissioner, after investigation, is of the opinion that any person is discharging or causing to be discharged into the atmosphere any air contaminant, and if the Commissioner determines that the discharge under the atmospheric conditions then prevailing, creates a hazardous emergency which requires immediate action to prevent serious damage to the public health, safety or welfare, and that it therefore appears to be prejudicial to the interests of the people of the City to delay action, the Commissioner, with the written approval of the Mayor, shall order the person responsible for the emission, in writing, to discontinue immediately the discharge of the contaminants into the atmosphere, whereupon the person shall immediately discontinue the discharge.

In the event that there is a failure to comply with the Commissioner's order, then all affected departments of the City government shall take immediate action necessary to protect and preserve the health and safety of the public. The City Counselor shall be empowered to immediately seek in the Circuit Court equitable relief to immediately halt the further emission of the air contaminants.

SECTION THIRTEEN: Air Pollution Nuisance Prohibited. The emission or escape into the ambient (outside) air within the City from any source or sources whatsoever of smoke, ashes, dust, soot, cinders, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or elements in such amounts as are detrimental to, or endanger the health, comfort, safety, welfare, property, or the normal conduct of business, or cause severe annoyance or discomfort to, or is offensive and objectionable to a significant number of citizens as determined by the Commissioner, shall constitute a public nuisance, and it is considered unlawful for any person to cause, permit, or maintain any such public nuisance.

SECTION FOURTEEN: Restrictions of Emission of Visible Air Contaminants.

- A. **Test Method** - Visible Emissions shall be determined in accordance with 40 CFR, Part 60, Appendix A - Reference Methods, "Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources."
- B. **Restrictions Applicable to All Facilities.** No person shall discharge into the atmosphere from any source of emission whatsoever any air contaminant greater than 20% visible opacity as determined by Test Method described in subsection A, for a period in excess of six (6) minutes in any consecutive sixty (60) minute period.
- C. Any emissions from portable, stationary, or motor vehicle sources in excess of 40% opacity, regardless of length of time, are considered excessive emissions.
- D. Motor vehicles, except for emergency vehicles, shall not operate in idle for more than ten (10) consecutive minutes.
- E. **Exceptions to subsection B of section 16 of Ordinance 64749.**
 - i. Visible emissions from a fire set by or under the supervision of a public officer to prevent or abate a fire hazard.
 - 2. Visible emissions from a fire set for the purpose of instructing persons in fire fighting techniques, as long as the requirements of Article 3, of the BOCA National Fire Code for Open Burning are adhered to.
 - 3. Visible emissions (smoke) generated for the purpose of instructing persons in the proper method for determining the opacity of those emissions.
 - 4. Visible emissions (smoke) emitted by equipment being operated for the control of insects.
 - 5. Visible emissions from residential, organizational, institutional, or commercially operated food preparation is exempt from the opacity requirements of this Section and may only be addressed for enforcement as a nuisance under Section 14.
 - 6. Visible emissions from recreational fires, bonfires, and fires in proper containers for occupational warmth will be exempt from complying with the opacity limitations of this Section as long as the requirements of The Fire Code, as amended, are adhered to.
 - 7. Special Case Exceptions allowing visible emissions in excess of those allowed in this Section may be granted by the Commissioner upon written request, given the determination that the emissions will not substantially affect the ambient air quality and are in the best interest of public health or welfare.
 - 8. Public fireworks displays as permitted by the local authority.
 - 9. When the presence of uncombined water is the only cause for an emission exceeding the requirements of this Section.

SECTION FIFTEEN: Open Burning Restrictions.

- A. No person shall cause, suffer, allow or permit the open burning of refuse.
- B. No person shall conduct, cause or permit the conduct of a salvage operation by open burning.
- C. No person shall conduct, cause or permit the disposal of trade waste by open burning.
- D. No person shall cause or permit the open burning of leaves, trees or the byproducts therefrom, grass, or other vegetation.

- E. It shall be prima-facie evidence that the person who owns or controls property on which open burning occurs, has caused or permitted said open burning.

SECTION SIXTEEN: Incinerators.

A. Definitions specific to this Section.

Definitions for key words used in this Subsection may be found in Section Seven of this Ordinance and State Rule 10 CSR 10-6.020, as amended. Additional definitions specific to this section are as follows.

1. **Ambient Air:** All space outside of buildings, stacks or exterior ducts.
2. **Batch Incinerator:** Is an incinerator designed that neither waste charging nor ash removal can occur during combustion.
3. **Best Available Control Technology (BACT):** An emission limitation, including a visible emissions limit, based on the maximum degree of reduction for each pollutant which would be emitted from any proposed installation or major modification which the Commissioner on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs determines is achievable for such installation or major modification through application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emission of any pollutant which would exceed the emissions allowed by any applicable emission control regulation, including new source performance standards established in 40 CFR Part 60 and National Emissions Standards for Hazardous Pollutants established in 40 CFR Part 61. If the Commissioner determines that technological or economic limitations on the application of measurement methodology to a particular source operation would make the imposition of an emission limitation infeasible; a design, equipment, work practice, or operational standard, or combination thereof, may be prescribed instead to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.
4. **Combustion Chamber:** The discrete equipment, chamber or space of an incinerator in which the products of pyrolysis are combusted in the presence of excess air so that carbon is burned to carbon dioxide. Combustion chamber does not include breaching or stacks of the incinerator.
5. **Human or Animal Crematory:** An apparatus of multi-chamber design for the sole purpose of cremating animal or human remains.
6. **Incinerator:** Any article, machine, equipment, contrivance, structure or part of a structure used to burn refuse or to process refuse material by burning other than by open burning.
7. **Maximum Refuse Burning Capacity:** Is the sum of the Refuse Burning Capacities of all the incinerator units at the facility subject to this Subsection.
8. **Multiple Chamber Incinerator:** Any incinerator consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, the refractories have a pyrometric cone equivalent of 31, tested according to the method described in the ASTM Method C-24-56, or other method approved by the Commissioner.
9. **PPMV:** Is the abbreviation for parts per million by volume (dry) corrected to seven (7%) percent oxygen.
10. **Refuse Burning Capacity:** Is the manufacturer's or designer's refuse heat input rate in British Thermal Units (BTUs) per hour.
11. **Secondary Combustion Chamber:** Means the discrete equipment component chamber or space, in which the products of pyrolysis are combusted in the presence of excess air, so that essentially all carbon is combusted and emitted as carbon dioxide. This component does not include breaching or stacks.
12. **Smoke:** Small gas-borne particles resulting from combustion, consisting of carbon, ash and other material.

B. NSPS and State Regulations

1. Any incinerator governed under State Rule 10 CSR 10-6.070 New Source Performance Regulations, as amended, shall be required to meet the regulatory standards contained therein, in addition to meeting standards within this Section. Where standards may conflict, the most restrictive standard shall be utilized.
2. Any incinerator governed specifically under a State Rule, contained in 10 CSR 10 Chapters 5 and 6, as amended, shall be required to meet the regulatory standards contained therein, in addition to meeting standards within this Section. Where standards may conflict, the most restrictive standard shall be utilized.

C. Emission restrictions

1. General provisions

- a. **Design requirements** - No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator. Existing incinerators which are not multiple chamber incinerators shall be altered, modified or rebuilt as may be necessary to meet the requirements of this Section no later than two years from the date of adoption of this Ordinance. The Commissioner may approve any other alteration or modification to an existing incinerator if such be found by the Commissioner to be equally effective for the purpose of air pollution control as would result from the operation of a multiple chamber incinerator. All new incinerators shall be multiple chamber incinerators, provided that the Commissioner may approve any other kind of incinerator if found in advance of construction or installation that such other kind of incinerator is equally effective for purposes of air pollution control as an approved multiple chamber incinerator. Exception: Human or animal crematories are not subject to the Design Requirements provided the owner or operator submits test results showing compliance with the Particulate limitations set forth in this Section.
- b. **Burning Capacity** - The burning capacity of individual incinerators shall be the manufacturer's or designer's refuse heat input rate (British Thermal Units (BTUs) per hour) or such other rate as may be determined by the Commissioner in accordance with good engineering practice. In case of conflict, the findings of the Commissioner shall govern.

2. Particulate limitations

No person shall cause or permit the emission of particulate matter from the chimney, stack or vent of any incinerator:

- a. In excess of 0.09 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen for new or modified human and animal crematories and surface coating burn-off ovens;
- b. In excess of 0.08 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen for new or modified sewage sludge incinerators;
- c. In excess of 0.03 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen for new or modified commercial and industrial waste incinerators;
- d. In excess of 0.015 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen for new or modified medical waste incinerators and municipal waste incinerators;
- e. In excess of 0.015 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen for new or modified non-specified incinerators;
- f. In excess of 0.20 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen for existing incinerators, except as otherwise established by permit.

3. Opacity limitations

No person shall cause or permit a discharge from any incinerator of smoke of such opacity as to obscure a certified observer's view to a degree equal to or greater than:

- a. twenty percent for a period in excess of six (6) minutes in any consecutive sixty (60) minute period for sewage sludge incinerators, except as otherwise established by permit;

- b. ten percent for a period in excess of six (6) minutes in any consecutive sixty (60) minute period for all other incinerators, except as otherwise established by permit.

4. **Specific pollutant limitations**

An owner or operator who submits a complete permit application for a new or modified incinerator after the effective date of this ordinance shall demonstrate that emissions of hydrogen chloride, mercury, dioxins and furans are controlled to a level of stringency at least equal to that which would be achieved through the application of Best Available Control Technology.

5. **Odor Control**

All incinerators shall be designed and operated so that all gases, vapors and entrained effluents shall, while passing through the final combustion chamber, be maintained at a temperature adequate to prevent the emission of objectionable odors. The Commissioner may approve alternative method(s) of odor control which are determined equally effective.

D. Performance testing

1. **When required** - A performance test may be required on any incinerator, and shall be required for each new incinerator. The initial performance test shall be performed at the expense of the vendor or operator by an independent testing organization or by any other qualified person subject to approval of the Commissioner. The performance test shall be observed by the Commissioner or authorized representative.
2. **Test Schedule** - Within 30 days after the date of which installation or construction of an incinerator is completed, the installer shall file a request with the Commissioner to schedule a performance test provided in this Section. If the results of the performance test indicate that the incinerator is not operating in compliance with subsection C of this Section, no person may cause or permit further operation of the incinerator, except for additional testing, until approval is received from the Commissioner.
3. **Representative sample** - Refuse burned in conjunction with the performance test specified in this subsection shall be a representative sample of the refuse normally generated by the operation which the incinerator is intended to serve.
4. **Procedure** - Emissions shall be measured when the incinerator is operating at ninety-five percent or greater of the burning capacity as defined in subsection C.1.b, of this Section. Testing methods shall be those outlined in 10 CSR 10-6.030, as amended, or in CFR Chapter 40, Part 60 Appendix A, as amended. If performance testing demonstrates that the refuse charge rate must be less than the manufacturer's design charge rate to comply with this Section, then the burning capacity also shall be based on the charge rate required to comply.
5. **Compliance** - A performance test to determine compliance with the particulate matter and/or opacity requirements specified in subsection C.2. and C.3., of this Section, shall be observed by the Commissioner or authorized representative, of each new incinerator and each existing, modified or rebuilt incinerator.

If performance testing demonstrates that the refuse charge rate must be less than the manufacturer's design charge rate to comply with this Section, then the burning capacity also shall be based on the charge rate required to comply.

Other requested performance tests may be required by the Commissioner in order to determine compliance with any part of this Section.

SECTION SEVENTEEN: Preventing Particulate Matter from Becoming Airborne at Any Industrial and Commercial Facility.

- A. No person shall cause or permit the handling, transporting, or storage of any material in exterior or interior locations, in a manner which allows or may allow reasonably preventable amounts of particulate matter to be emitted to the ambient air. Any direct or fugitive emission of visually detectable particulates to the ambient air from any interior or exterior operations at any industrial or commercial facility, may be considered unreasonable and a violation of this Ordinance if our investigation determines that the emission was preventable.
- B. No person shall cause or permit a building or its appurtenance, or a road, driveway, or an open area to be constructed, used, repaired or demolished, without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne.

Except for areas whereon motor vehicles are routinely driven, parked or stored, all such reasonable measures shall include, but not be limited to, the application of dust free surfaces; application of effective dust suppressant materials; application of water; planting and maintaining vegetative ground cover, or any other procedure designed for and effective in reducing the airborne particulate matter.

From roadways, driveways, and any area upon which motor vehicles are routinely driven, parked or stored, these measures shall be limited to either:

1. Having the surface paved with concrete, bituminous, or other hard surface which can be swept or flushed clean and free of loose material that can become airborne or,
 2. Having the surface treated with a solution containing at least forty (40%) percent emulsifiable asphalt and water, or an equally efficient dust suppressant and repeating such treatment as required to maintain reasonable dust control.
- C. Whenever particulate matter escapes from windows, doors, or other openings of a building in such a manner and amount as to violate any provisions of this Ordinance, the Commissioner may order that the building or buildings in which the processing, handling and storage are done, be tightly closed and ventilated in such a way, that all air and air contaminants leaving the building are treated by effective means for removal of these air contaminants before discharge to the ambient air.

SECTION EIGHTEEN: Abrasive Blasting. No person shall cause or permit the abrasive blasting of the exterior of any building, tank, structure, or part or appurtenance thereof, without first submitting an application for a permit to abrasive blast to the Commissioner. Such application shall include the proposed dates and times when such blasting will be done, the location and description of the surface to be blasted, the reason that abrasive blasting rather than some alternative method of surface preparation is necessary, the method of blasting to be used, the steps that will be taken to limit the amount of particulate matter from becoming airborne, and the steps that will be taken to remove resultant particulate matter from adjacent streets, alleys, and property, to prevent it from being re-entrained in the air. Abrasive blasting may be approved in consideration of the following conditions:

- A. Whenever practical, some other method of surface preparation or cleaning, such as steam cleaning, water blasting, or power wire brushing, will be used instead of abrasive blasting;
- B. If abrasive blasting is necessary and whenever possible, the wet blasting method, wherein water from a circular nozzle forms a cone of water spray around the abrasive blast stream, will be used;
- C. If wet blasting is not possible in a particular application, the area to be dry blasted shall be protected so far as is reasonably practical, to limit the amount of particulates becoming airborne and the distance the particulates travel;
- D. Any exterior abrasive blasting in the area of the City between the Mississippi River and Jefferson Avenue, Chouteau Avenue to Cole Street, shall be done at times other than 7:30 to 9:00 A.M., 11:30 A.M. to 1:30 P.M., and 4:00 to 6:00 P.M., Monday through Friday;
- E. At the end of each day's operation, all abrasive material and dust resulting from the operations shall be removed from the adjacent streets, sidewalks, alleys, parking lots and other property.

SECTION NINETEEN: Source Registration Permits Required.

- A. **Applicability**
 1. A construction project, which results in an actual emissions increase greater than two hundred (200) pounds per year of any regulated air pollutant, not covered by 10 CSR 10-6.060, as amended, may be governed by the requirements of this Section.
 2. A construction project, for which pollution control measures are not required, may be governed by the requirements of this Section.
 3. For public safety reasons, any source operation may be deemed by the Commissioner to be governed by this Section as an emissions unit.
- B. **General Requirements**
 1. No construction project shall commence unless preventive measures are applied to limit the emission of regulated air pollutant(s) to levels which do not endanger the ambient air quality, and the health, safety, welfare or enjoyment of life for our citizens.
 2. Conditions shall be included into permits which limit the air pollution from any emissions unit. The conditions shall seek the lowest level consistent with actual operations.

3. In cases where conditions are placed into permits which set limits of any kind on the operation of an emissions unit, appropriate recordkeeping requirements shall also be placed into the permit to allow verification of compliance.

C. Exceptions to subsection A of this Section

The following emission sources are not required to obtain source registration permits:

1. Any combustion equipment using exclusively natural or liquefied petroleum gas or combination of these with a capacity of less than ten (10) million British thermal units (BTUs) per hour heat input, or any other combustion equipment with a capacity of less than one (1) million BTUs per hour heat input.
2. Equipment used for any mode of transportation.
3. Any equipment used in the preparation of food for direct sale to the public or for personal consumption.
4. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only.
5. Wood burning stoves and fireplaces in all locations.

D. Excluded Activities

Activities may be excluded if the activities do not involve the following concerning the emissions of any regulated air pollutant:

1. any appreciable change in the quality or nature, or
2. any increase in the allowable emissions, or
3. a negative effect on air quality, or
4. a negative neighborhood impact.

These activities include:

1. Routine maintenance, parts replacement or relocation of emissions units within the same facility;
2. Changes in a process or process equipment which do not involve installing, constructing or reconstructing an emissions unit or associated air cleaning devices;
3. Replacement of like-kind emissions units;
4. Other similar activities.

SECTION TWENTY: Right of Inspection, Disclosure, and Submittal of Requested Information.

- A. In the performance of their duties, the Commissioner or the Commissioner's authorized representative may enter any premises where they have reason to believe that air contaminants have been or are being emitted, or equipment, operations, or processes exist or are being constructed, which they have reason to believe are or will be an air contaminant source, or which are required to be registered as sources of air pollution, or for any facility for which a permit is required.

No person shall refuse entry or access to the Commissioner or the Commissioner's authorized representative, nor shall any person obstruct, hamper, or interfere with any such inspection.

Should the above right of entry be denied, then the Commissioner or the Commissioner's authorized representative shall apply to the City Counselor for a Search Warrant and the City Counselor may apply for the same from the court of competent jurisdiction. When such search warrant(s) have been issued the Commissioner or the Commissioner's authorized representative may involve the aid of the Police Department to gain entry to make such inspection as authorized herein.

- B. Any person responsible for the emission of air contaminants within the City of St. Louis shall when requested by the Commissioner or his authorized representative supply this office with any requested information in an easily understandable format or on the forms supplied, in any manner or format specifically requested by the Commissioner.

SECTION TWENTY-ONE: Cooperation of Local Governmental Agencies Required. The assistance and cooperation of the St. Louis Metropolitan Police Department, the Division of Fire and Fire Prevention, and the Department of Health and Hospitals, the Building Division, and all other municipal officials shall be available to the Commissioner and the Board as required in the performance of their duties.

SECTION TWENTY-TWO: Enforcement.

- A. Whenever the Commissioner determines that any of the terms or conditions of this Ordinance have been or are being violated, the Commissioner may cause to be instituted any or all of the following enforcement actions.

1. Upon becoming aware that an emission is occurring from any facility, emissions unit, emission point, or source operation which is greater than permitted by any provision of this Ordinance, the Commissioner may cause to be issued to the person responsible for the emission a "Notice of Excessive Emissions." This notice may be personally served by a representative of the Commissioner or sent by mail to the last known address of the responsible person. It shall include the Section of the Ordinance, or the Section of the State regulation limiting the emissions, the date and time of the excessive emissions, a brief description of the excessive emissions and a request that the person responsible answer the notice within ten (10) days. The person responsible for the emission shall answer this notice, in writing, setting forth the reasons for the excessive emissions, and the steps that have been taken or will be taken to abate the excessive emissions, and to prevent it from recurring in the future.

In the event the responsible person fails to answer the notice within the prescribed time, or if, in the opinion of the Commissioner, the reasons set forth for the excessive emissions having occurred, or the steps that have been taken or will be taken to prevent recurrence of the excessive emissions are not adequate, the Commissioner may cause to be issued a "Notice of Violation" as prescribed herein citing the same data and time in this notice as was previously cited in the "Notice of Excessive Emission."

2. As prescribed above, or at any other time that the Commissioner becomes aware that any of the provisions of this Ordinance have been or are being violated, the Commissioner may cause to be issued a "Notice of Violation" to the person responsible for the violation. This notice may be personally served by a representative of the Commissioner or sent by registered or certified mail to the last known address of the responsible person. This notice shall cite the Section of City Ordinance, or Section of State Regulation violated, the date and time the violation occurred, and a brief description of the violation. It shall require that the responsible person abate the violation by a date specified in the notice. Within 14 days of the date of abatement specified in the notice, the Commissioner or his representative shall re-inspect the premise to determine compliance with the permit, regulation, or Ordinance, of which this is a part. This re-inspection shall be known as a "NOV Inspection." If no abatement date is specified in the NOV, the responsible person who has received the NOV shall be exempt from the "NOV Inspection" process. If the responsible person is not exempt and not in compliance with any of the above abatement requirements, the Commissioner or his representative shall perform another NOV Inspection. If the responsible person is not in compliance, the Commissioner may revoke the permit and cause the source to be removed from the property.

In the event the responsible person fails to abate the violation by the date specified, the Commissioner, or an authorized representative of the Commissioner, may take other enforcement actions as specified within this Section, citing the same date and time of violation in these other actions that were set forth in the "Notice of Violation."

In the event the Commissioner determines that:

- a. The person is taking all reasonable means available to him to comply with the time limitations and that such compliance is not possible;
 - b. The delay is caused by conditions beyond the jurisdiction and control of such person; and
 - c. The imposition of the time limitation will cause an undue hardship, then the Commissioner may grant such additional extensions of time as determined to be necessary and reasonable to achieve compliance.
3. Whenever the Commissioner becomes aware that a violation of any of the terms or conditions of this Ordinance has occurred, or is occurring, the Commissioner may, with or without the issuance of notices provided for above, present the evidence to the City Counselor and request that the Counselor file a prosecution in the City Courts.

- B. In the event that it becomes necessary and is legally proper, the City Counselor is hereby empowered to institute proceedings in the Circuit Court in the name of the City in order to enforce the terms and conditions of this Ordinance.

- C.
 - 1. Upon notice of the Commissioner, or his authorized representative, that work on the installation of a machine, contrivance, equipment, device, process, or operation that may cause the emission of air contaminants, is being conducted without a permit where such a permit is required, or without having been registered where such registration is required, or not in accordance with plans or specifications or data submitted with the application for such permit or such registration, or is contrary to any order of the Board, such work shall be immediately stopped. The failure of a facility to possess a valid State Operating Permit may subject the entire facility to be ordered to stop work. The stop work order shall be in writing and shall be served to the person responsible for the premises on which the work is occurring or upon the person doing the work and shall cite the conditions under which the work may be resumed.
 - 2. Any person who shall continue any work in or about such machine, contrivance, device, process, or operation after having been served with a stop order except which work he is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as set forth in the "Penalty Clause" Section of this Ordinance.
- D.
 - 1. After any owner, agent, occupant, manager or lessee of any premise containing an emission source has been notified of two or more violations of this Ordinance within any consecutive twelve (12) month period after the effective date of this Ordinance, or at any time the Commissioner has evidence that an emission source is adversely affecting the ambient air quality, the Commissioner may order such person to appear at a hearing, to be held before the Commissioner or his designate not more than ten (10) days after such order and show cause why the equipment causing such violations and/or adversely affecting the ambient air quality should not be sealed.
 - 2. Upon such hearing, unless the Commissioner finds that circumstances beyond the control of the responsible person(s) has caused the violations and/or affected the ambient air quality, the violating emission source(s) will be sealed. If the Commissioner determines that circumstances beyond the control of the responsible person(s) have caused the problems, then a further investigation by Commissioner staff will be ordered before any further action is initiated, and the source(s) in question will be allowed to continue normal operation.
 - 3. The person responsible for the violating equipment may appeal such seal order to the Board of Air Pollution Appeals and Variance Review.
- E. It shall be unlawful for any person to break a seal that has been duly affixed by the Commissioner or the Commissioner's authorized representative, unless such breaking is authorized by the Commissioner.

SECTION TWENTY-THREE: Upset Conditions, Breakdowns or Scheduled Maintenance.

- A. In the event that there are emissions to the ambient air exceeding any of the limits established by this Ordinance as a direct result of unavoidable upset conditions in the nature of the process, or unavoidable and unforeseeable breakdown of any air pollution equipment or related operating equipment, or as a direct result of shutdown of such equipment for necessary scheduled maintenance, the Commissioner may withhold enforcement action provided the following requirements are met:
 - 1. Such excess emissions in the case of unavoidable upset in or breakdown of equipment shall have been reported to the Commissioner as soon as reasonably possible, but no later than the next business day after the occurrence. In addition, a full report of the incident, as outlined in subsection B of this Section, must be submitted to this Commissioner within ten (10) days.
 - 2. If the excess emission results from the scheduled maintenance on any component of a production process or associated control equipment during which the process continued operating, a "Notice of Violation" will be issued, unless the Commissioner agreed prior to the maintenance that shutting down the process would be unreasonable. The intention to proceed with on-line maintenance and the possibility of excess emission must be reported to this Commissioner at least forty eight (48) hours in advance. It should be in writing and include the reason that this type of maintenance is necessary. Written approval must be given by the Commissioner before on-line maintenance may begin. If excess emissions occur, the responsible facility person must submit a full report as detailed in subsection B of this Section within ten (10) days.
- B. The person responsible for any excess emission shall submit a full report covering:
 - 1. Name and location of facility;
 - 2. Name and telephone number of person responsible for the facility;
 - 3. The identity of the equipment causing the excess emissions;

4. The time and duration of the period of excess emissions;
5. The cause of the excess emissions;
6. The type of air contaminant(s) involved;
7. A best estimate of the magnitude of the excess emissions expressed in the units of any applicable emission control regulation and the operating data and calculations used in estimating the magnitude;
8. The measures taken to mitigate the extent and duration of the excess emissions; and
9. The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of such situations.

SECTION TWENTY-FOUR: Performance Based Fee Schedule. The Commissioner of the City of Saint Louis is hereby authorized to collect the following fees based on the costs incurred to provide the services of air pollution control in the City of Saint Louis. All references to tons per year are based upon annual emissions inventory questionnaire (EIQ) when received by the Commissioner for the facility's previous year of actual emissions. For a new facility, the Commissioner shall determine the potential to emit in lieu of the EIQ for any construction project occurring within the first year to use for this fee schedule.

- A. Applications Review and Compliance Inspection of Abrasive Blasting Job Sites
Fee: \$50 per job site.
- B. Inspection of "Asbestos Abatement Project" as defined in 10 CSR 10-6.020, as amended.
Fee: \$100 per inspection. Regardless of the number of inspections made, the "Health Commissioner" may only charge for up to (3) individual, separate inspections of the same "Asbestos Abatement Project."
- C. The inspection of facilities from which actual air pollution emissions are over ten (10) tons per year and covered under 10 CSR 10-6, as amended.
Fee: \$50.00 per hour of office preparation, facility inspection, and report documentation.
- D. Construction Permit Filing Fee for those facilities from which the EIQ emissions are over ten (10) tons per year and from which the construction project is subject to 10 CSR 10-6.060, as amended.
Fee: \$250, non-refundable, per permit application or request for permit determination. Applications in some cases may cover multiple emission units. The Commissioner will make the final decision when separate applications requiring separate Permit Filing Fees are necessary, on a case-by-case basis.
- E. Construction Permit Filing Fee for those facilities from which the EIQ emissions are less than or equal to ten (10) tons per year and from which the construction project is subject to 10 CSR 10-6.060, as amended.
Fee: \$100 per permit application, non-refundable, or request for permit determination. Applications in some cases may cover multiple emission units. The Commissioner will make the final decision when separate applications requiring separate Permit Filing Fees are necessary, on a case-by-case basis.
- F. The Processing of Permits for facilities from which the EIQ emissions are over ten (10) tons per year and from which the construction project is subject to 10 CSR 10-6.060, as amended.
Fee: \$75 per hour of logged staff time spent processing the permit whether the permit is issued, denied, or withdrawn. This hourly fee, based on actual hours logged, will start when the permit filing review is started.
- G. The Processing of Permits for facilities from which the EIQ emissions are less than or equal to ten (10) tons per year and from the construction project is subject to 10 CSR 10-6.060, as amended.
Fee: \$50 per hour of logged staff time spent processing the permit, whether the permit is issued, denied, or withdrawn. This hourly fee, based on actual hours logged, will start when the permit filing review is started. If a completed permit is issued and the conditions therein are accepted by the permit applicant, compliance is verified through inspection and is considered part of permit processing.
- H. The application and processing of Source Registration Permits for facilities not required to submit the annual EIQ and with construction projects subject to 10 CSR 10-6.060, as amended, but subject to Section Twenty One of Ordinance 64749, of which this is a part.
Fee: \$30 per application submitted plus \$25 per emission unit on the same application, plus a processing

fee of \$25 per hour of staff time logged. However, regardless of staff time logged, the processing fee cannot exceed a total of \$250.

- I. The application and processing of Source Registration Permits for facilities required to submit the annual EIQ and with construction projects not subject to 10 CSR 10-6.060, as amended, but subject to Section Twenty One of Ordinance 64749, of which this is a part.
- Fee: \$100 per application submitted, non-refundable, plus \$50 per emission unit, plus \$50 per hour of staff time logged.
- J. Stage II Operating Permit Notifications.
- Fee: \$100 per Notification covered by 10 CSR 10-5.220, as amended.
- K. Original Visible Opacity Certification
- Fee: \$200, which includes Method 9 instructional class time and opacity observation field training. Government employees are exempt from this fee. This is a non-refundable fee and is charged regardless of whether the student passes or fails certification criteria.
- L. Visible Opacity Re-Certification
- Fee: \$100. No instructional class time is included or required. Only opacity observation field training is included. Government employees are exempt from this fee. This is a non-refundable fee and is charged regardless of whether the student passes or fails re-certification criteria.
- M. Application for Variance and/or Appeal of Commissioner's Action or Order.
- Fee: \$50 plus actual cost of all additional expenses incurred except staff salaries of Commissioner and Variance Board Members' compensation.
- N. Request to Amend Final Permits issued under 10 CSR 10-6.060, as amended for facilities from which the EIQ emissions are over ten (10) tons per year.
- 1) Changes resulting in increased emissions, air quality impact or increment consumption.
- Fee: \$250 per application submitted, non-refundable, plus a permit processing fee of \$75 per hour of logged staff time.
- 2) Changes that do not result in increased emissions, air quality impact, or incremental consumption. No permit filing fee required. However, a processing fee of \$75 per hour of logged staff time will be charged.
- O. Request to Amend Final Permits issued under 10 CSR 10-6.060, as amended for facilities from which the EIQ emissions are less than ten (10) tons per year.
- 1) Changes resulting in increased emissions, air quality impact, or incremental consumption.
- Fee: \$100 per application submitted, non-refundable plus a permit processing fee of \$50 per hour of logged staff time.
- 1) Changes that do not result in increased emissions, air quality impact, or incremental consumption. No permit filing fee required. However, a processing fee of \$50 per hour of logged staff time will be charged.
- 2) Public Notices and Public Hearings. The expenses incurred in the processing of any type of permit which requires public notice or participation for approval, or the request for a public hearing by a facility under the jurisdiction of the Commissioner, will be the responsibility of the applicant. All billings received by the Commissioner for all such expenses will be forwarded to the applicant for payment. Final permit issuance is dependent upon the applicant's payment in full of all expenses incurred.
- P. Penalty Fees
- Any individual or company that has commenced construction of or begun operation of any device, emission unit, or source operation, prior to payment of the normal fee as stated in this Section shall have that fee doubled. Processing fees are not subject to Penalty Fee requirement.

Q. NOV Inspection Fee

Fee: \$100 for each NOV inspection.

SECTION TWENTY-FIVE: Severability. The Sections of this Ordinance shall be severable. In the event any Section of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, the remaining Sections of this Ordinance are valid unless the Court finds the valid Sections of this Ordinance so essentially and inseparably connected with, and so dependent upon the void Section, that it cannot presume that the legislature would have enacted the valid Sections without the void ones; or unless the Court finds that the valid Sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION TWENTY-SIX: Penalty Clause. Every person convicted of a violation of any Section of this Ordinance shall be punished by a fine of not less than one (\$1) dollar, nor more than five hundred (\$500) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

SECTION TWENTY-SEVEN: Emergency Clause. The passage of this Ordinance being deemed necessary for the immediate preservation of the public health and safety, is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Approved: October 15, 2002